

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
San Antonio DIVISION

FILED

MAR 20 2017

Alton Crain
PLAINTIFF

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

v.
City of Selma et al.
DEFENDANT(S)

CASE NUMBER SA 16CA0408XR

Amended Complaint

Now comes Alton Crain, Plaintiff *pro se*, and

requests the Court to:

Date: 3-20-17

[Signature]
Signature

Address:

8528 Alton Blvd

Selma Texas 78154

Phone:

210 667 8239

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ALTON CRAIN,

§

PLAINTIFF

§

§

VS.

§

408
5:16-CV-00450-XR

City of Selma

§

DEFENDANT

§

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff Pro Se Alton Crain, pursuant to FRCP 15(a)(1)

and files its Amended Complaint under the Fair Housing Act against the City of Selma, Texas, presenting facts clearly establishing municipal liability for deprivation of rights protected under 42 US Section 1983 Fair Housing Act.

Statement of Case

- 1) **In the City of Selma, Texas**, there is a well-documented pattern and practice of deprivation of rights under 42 U.S.C. 1983. Plaintiff will clearly outline that governing body liability. Plaintiff will provide cases and two or more incidents and supporting evidence from 2003 to 2017 outlining pattern of reckless decisions officially adopted and promulgated by that body's officers with indifference to Federal, State, and Type A Local Government Policy and procedure, and the City Selma Personnel Policy. All the following

incidents will illustrate a “common” practice of deprivation of constitutional rights in the City of Selma, Texas.

Argument and Authorities

Monell v. Department of Social Services, 436 U.S. 658 “We conclude, therefore, that a local government may not be sued under 1983 for an injury inflicted **solely** by its employees or agents.

- 1) The City of Selma Governing Body (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney) ignored duties of the under TLGC 22.042, TGLC 22.043, TGLC 252.049, TGLC 263,007 c (1) (2), TGLC 271.026; Texas Election Code Title 9 Chapter 146.054, TPIA 552.221, and City of Selma Personnel Policy Section 1.01, 1.09, 2.13, 2.16, 3.07, 3.09, 3.13, 3.17 15.01.02, 15.03 (b), 17.01. The Governing Body violated the following laws **not** employees or agents resulting in depriving the Plaintiff right protected of 42 US 1983.

The City of Selma Governing Body (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney, City Attorney Marc Schnall, Current City Administrator Johnny Casias, Technologist Robert Klaener, City Engineer Larry Verner and its employees Former City Administrator Kenneth Roberts), acted in reckless disregard

to rights protected under 42 U. S. Section 1983 as the “whole” governing body, staff, and agents intentionally violated TLGC 271.06 (a) (**Exhibit H** notification of bid tampering was given to the entire governing body) (See **Exhibit I**- bids were opened without the city council approval January 8, 2015) (**Exhibit N** December 22, 2014, the governing body deliberately overlooks the fact that Jose Bustos bid was received 3 days after the deadline,) (**Exhibit P** December 19, 2014, 4:34:25 to 4:35:25 the City of Selma deliberately excludes video exchange between City Administrator Johnny Casias and winning bidder Jose Bustos is deliberately evidence of bid tampering.) (See **Affidavit Former Council Jose Silva Exhibit F2#12, F2#14 missing minute of video, F1#6, F3#19.**)

- 1) February 21, 2017, the City of Selma governing body and administration purposely neglects the Plaintiff’s complaint of City Administrator/Election Official Johnny Casias’ violation of the Plaintiff’s right to run for elected office as a write-in candidate per Texas Secretary of State law for Write-in Ballots, Chapter 146, Section 146.054. (**See Exhibit A 1,2, B1, A3, A4 in that order**)

Because the City of Selma governing body colluded with the City of Selma employees and the City of Selma agents mentioned above it is safe to conclude that a local government “may” be sued under 1983 for an injury inflicted “wholly” involving the City of Selma Texas **employees, agents and its governing body.**

<http://www.statutes.legis.state.tx.us/?link=LG>

Logan v. City of Pullman, No. CV-04-214-FVS, 2006 WL 120031, at **2-4 (E.D. Wash.-218 January 13, 2006) (“To impose liability against the City by liability through omission, Plaintiffs must demonstrate the following:

A. City employee violated Plaintiffs' constitutional rights;

1) The City of Selma violated the Plaintiff right to a fair bid process when illegally opened prior to the January 8, 2015, council meeting as (**Exhibit I**) indicates the bids were received “**opened bid envelopes and bids**”. Former Selma City Councilman Jose Silva did not authorize bids to be moved from Selma or opened prior to the January 8th 2015 regular city council meeting. (**See Former Selma City Councilman Jose Silva Affidavit F3 #19 #6**)

B. the City has customs or policies that amount to deliberate indifference;

1) The City of Selma **Type A** governing body has a custom of deliberate indifference as follows:

2) The Selma Governing body was aware Ken Roberts had violated state law Sec.32.52. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE. (a)(b)1) (2). (**Exhibit K**- Roberts admits fraud to the Governing Body Former Mayor and Current Councilman James Parma)

3) The City of Selma governing body was given complaints or remonstrance from residents and taxpayers in 2003 and 2007, 2013, 2014 (see **Exhibit K**) (**Exhibit L1-L2** highlighted portions) (See Former council Jose Silva Affidavit **Exhibit F1#1#3**,) per Texas Local Government code 22.043 and TLGC 22.042 Selma Employee Manual 3.17 states a “the applicant is disqualified from employment “**Exhibit L1**).

4) Taxpayer and Selma Texas resident concerns where met with indifference 2003-2015.

Ken Roberts remained employed even though he had violated clearly established PENAL CODE TITLE 7. OFFENSES AGAINST PROPERTY CHAPTER 32. FRAUD SUBCHAPTER A. GENERAL PROVISIONS

5) Sec.32.52. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE. education to gain employment amounting to a custom of deliberate indifference 2003 to 2015.

<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.32.htm>

C. and these policies were the moving force behind the employee's violation of Plaintiffs' constitutional rights.

1) Deliberate indifference to Ken Roberts' Resume fraud policy led to Ken Roberts being the Chief Administrator for over 10 years. Ken Roberts was in control of receiving and processing bids December 19, 2014. The bids were to be opened only by the governing body at the City of Selma, with the Selma city council present. The bids were illegally opened without the council's approval, violating TLGC 271.026. OPENING OF BIDS (see Exhibit I) (see **Former Councilman Jose Silva's Affidavit Exhibit 5# #6, #19**). There was a breach of confidentiality violating Sec. 252.049 (a) (b) CONFIDENTIALITY OF INFORMATION IN BIDS OR PROPOSALS (Exhibit I), City of Selma Personnel Policy - Authority 1.01, Chain of Command 2.13, and 2.16 (Exhibit L3), were violated. The Plaintiff was deprived of the right to a fair bid process. (**Former Councilman Jose Silva Affidavit F1#5, #6, F2#19**).

City of Canton. First, where there is "a clear constitutional duty implicated in recurrent situations that a particular employee is certain to face, **failure to inform city personnel of that duty will create an extremely high risk that constitutional violations will ensue.**"

- 6) **Incident #1.** Ken Roberts' Resume fraud and misrepresentations were presented to Mayor Parma as early as 2003 (**Exhibit K1**). Yet the chief of the governing body (Mayor Parma) allowed Ken Roberts to continue fraudulent misrepresentation to the public for four (4) more years as indicated by the Texas Municipal League online directory (**Exhibit K2**), dated December 2007. Ken Roberts retired in 2015 with full benefits. In 2003 Mayor James Parma who is a current City of Selma Councilman exhibited deviations from policy or **"Conduct condoned by government policymakers"** (**Exhibit L1, 3.17 Employment Disqualifications**).
- 7) **Incident #2.** For over 10 years, former Mayor Jim Parma and present Mayor Tom Daly, along with present and past Council members, condoned Ken Roberts Educational Misrepresentation (**Exhibit K**) leading to deprivation of rights protected under 42 U.S. C. 1983 and numerous violations of Texas Local Government Code 271.026, City of Selma Personnel Policy- Authority 1.01, Chain of Command 2.13, and 2.16, 3.07, 3.09, 3.13, 3.17 (**Exhibits I – illegal opening and passing bids & L1**).
- 8) **Incident #3.** Former Mayor Jim Parma and present Mayor Tom Daly, along with present and past Council members, condoned Ken Roberts Educational Misrepresentation for over 10 years, deliberately disregarding the City of Selma Personnel Policy regarding Ken Roberts' resume fraud. (See City of Selma Personnel Policy 15.01.02, and 15.03 (b) Grounds for

Immediate Termination after years of taxpayer remonstrances (Exhibit L1) and TLGC 22.043 regarding Ken Roberts Resume Fraud leading to deprivation of rights protected under 42 U.S. 1983).

9) **Incident #4.** It can be shown that the policymakers-the Governing Body (former Mayor James Parma (2003), current Mayor Thomas Daly (2017), and the present and past Council members) were aware of Ken Roberts fraudulent resume, and acquiesced in a pattern of constitutional violations starting with TLGC 22.042 and 22.043. **(Former Councilman Jose Silva's Affidavit F1 #1 & #3, F2 #16).**

10) **Incident #5.** The City of Selma Governing Body (Mayor Thomas Daly, former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney, exhibited a pattern and practice of neglecting the duty to investigate written complaints or remonstrance **(Exhibit H)** per Texas Local Government Code (TLGC) 22.043 and TLGC 22.042 as the Governing body was made aware of Selma City Administrator Ken Roberts' Resume Fraud in 2003, 2007, 2013 and 2014 **(Former Councilman Jose Silva's Affidavit F1 #3 & #15).**

Incident #1-#5 illustrate a pattern of recurring neglect of duty. On December 23, 2014, the Governing body was given 18 days' notice of bid tampering. On February 22, 2017, the Governing body was given 16 days advance notice for deprivation of rights under the 1965 Voting Rights Act. Ironically, March 9, 2017, 6 days after a Texas Western District Judge denied immunity to individuals named in the Pro Se Plaintiff's suit, the Pro Se Plaintiff Alton Crain was illegally denied the right to run for elected office as a valid write-in candidate according Texas Secretary of State Election Code 146.054. December 23, 2014 to March 9, 2017, the City of Selma established a pattern and practice of neglecting duties outlined in the

TLGC Aec 22.043 and 22.042. **(See Former Councilman Jose Silva Affidavit acknowledges and cites Section 1983 FHA Deprivation Exhibit F1 #1-3, #6, F2 #9)**

<http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.22.htm>

<http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.146.htm>

Plaintiff cities *City of Canton v. Harris*, the Supreme Court explained that inadequate training could give rise to liability if “in light of the duties assigned to specific officers or employees, the need for more or different training is so obvious and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers can reasonably be said to have been deliberately indifferent to the need. The Court held that under these circumstances, “the failure to provide proper training may fairly be said to represent a policy for which the city is responsible.”

11) The Governing Body (Mayor and Council members) neglected the duty to comply with TLGC 22.042 which lead to deprivation of rights under 42 U. S. C. 1983 resulting in the following:

- a) Violation of TLGC 271.026- unauthorized Opening of Bids by Larry Verner, Marc Schnall, Ken Roberts **(Exhibit I)**,
- b) Violation of confidentiality under TLGC 252.049,
- c) Violation of City of Selma Personnel Policy, Authority 1.01, 1.09 and Chain of Command 2.13,2.16, Personnel Policies 17.01. in the 2014 notice of bid tampering communicated to the governing body by the Plaintiff.

(See exhibit F 1-3 Former Councilman Jose Silva acknowledges and cites Sec 1983 FHA Deprivation item # 4, 5, 9,11,19 Exhibit J1-2 #4,5,6,8) (See exhibit J2 6,7,- establishing

the City of Selma Personnel Policy as the City of Selma governing authority or “constitution” yet neglected following City of Selma Personnel Policy items Exhibit L1- 2, 3.07,3.13, 3.09, 3.17, -L2- 12,06.11, 15.02, 15.03, 17.01- the city of Selma Governing Body was aware yet acted contrary to policy) as law (See Former Selma Councilman Jose Silva Affidavit pt. 1,2,3,5,7,11,14,16,6, 3,19,20,)

<http://www.statutes.legis.state.tx.us/?link=LG>

Municipal liability for Inadequate Training Incidents

- 12) **Incident #1.** Violation of Texas Local Government Code (TLGC) 22.042: The City of Selma Governing Body’s (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney), pattern and practice of ignoring and neglecting to investigate the “Notice of Bid Tampering” Remonstrance resulted in unauthorized opening and passing of bids (Exhibit I). Additionally, the Governing Body neglected to post and convene a special meeting per TLGC 22.042 which demonstrates the lack of adequate training of the Mayor and Council, leading to deprivation of rights per 42 U.S.C. 1983. (See Former Councilman Silva Affidavit F1 #6, J1 #1, #3, #4 & Exhibit L1, L2,)

<http://www.statutes.legis.state.tx.us/?link=LG>

- 13) **Incident #2,** The City of Selma Governing Body members (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney) violated **Texas Secretary of State Code 146.054** by intentionally neglecting to process the Plaintiffs Valid Write-In

Candidate Election Application for the May 6, 2017, Council Election. The Mayor and Council neglected to post and convene a special meeting to discuss the issue of a candidates' valid Write-In Application required before midnight, (**Exhibit C #1-receipt stamped at 11:11 p.m., February 21, 2017, & #2-envelope with Tracking Number; Exhibit B #1 package received before deadline; Exhibit A #3-#4** cancellation of election as unopposed)

Demonstrates deliberate disregard to 42 U.S.C. 1983

<http://www.statutes.legis.state.tx.us/?link=LG>

<http://www.statutes.legis.state.tx.us/?link=LG>

Liability through omission

Logan v. City of Pullman, No. CV-04-214-FVS, 2006 WL 120031, at **2-4 (E.D. Wash.-218 Jan. 13, 2006) ("To impose liability against the City by liability through omission, Plaintiffs must demonstrate the following:

A. City employee violated Plaintiffs' constitutional rights;

14) **Incident #1.** Plaintiff was denied a fair bid process because the bids were not opened by the Governing Body at a public meeting at or in the City of Selma (violated TLGC 271 .026) and the Plaintiff's confidentiality, as a participant in the bidding process, was compromised (TLGC 252.049 Breach of Confidentiality, **Exhibit I, Former Councilman Silva's Affidavit F1 #6**)

15) Incident #2. Plaintiff was denied the right to run for Selma City council even though a valid write in ballot was submitted before the Write-in deadline per Texas Secretary of State law for Write-in Ballots Chapter 146.054.

B. the City has customs or policies that amount to deliberate indifference;

16) Incident #1. The Governing Body was made aware of bid tampering 18 days in advance of the December 19, 2014, deadline. Yet neglected duty to act or investigate before voting to sell the properties on January 8, 2015. (See **Former Councilman Silva Affidavit F1 #6**)

17) Incident #2. The City of Selma Governing Body Mayor, council, and administration were made aware 16 days in advance of the Plaintiff's right to run for office. Yet the Governing Body's indifference to comply with Texas Election Code Title 9, Chapter 146.054 deprived the Plaintiff of the right to run for office.

C. and these policies were the moving force behind the employee's violation of Plaintiffs' constitutional rights...

(See Former Councilman Silva Affidavit F1 #6,)

18) Incident #1. The Governing Body members (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney, pattern and practice of neglecting the duty to investigate per TLGC 22.042 and 22.043 resulted in the deprivation of the Plaintiff right to a place on the May 6th 2017 Election for Selma City Council Place 4 challenging incumbent Councilman Ken Hadas. The Plaintiff valid write-in ballot was denied rights per Secretary of State law 146.054 write-in ballot filing deadline resulted in deprivation of right under 42 US 1983 -voting rights Act.

<http://www.statutes.legis.state.tx.us/?link=LG>

In City of Springfield, Mass. v. Kibbe, 480 U.S. 257, 107 S. Ct. 1114 (1987), The Court made it clear that on remand the plaintiff would have to identify a particular deficiency in the training program and prove that the identified deficiency was the actual cause of plaintiff's constitutional injury.

19) Incident #1. The Governing Body members' (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney), lack of training in the area of TOMA and Texas Local Government Code (TLGC 22.042 and 22.043) resulted in the deprivation of the Plaintiff's rights per 42 U.S.C. 1983. **(Exhibit I) (See Former Councilman Jose Silva's Affidavit F1 #2, #3 & J2 #1 & #3)**

5) Incident #2. The Governing Body members' (Mayor Thomas Daly, Former Mayor and Current Councilman James Parma, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman Phillip Swinney), lack of training of the Texas Election Code on Write-in deadline (Texas Election Code Title 9, Chapter 146.054) deprived the Plaintiff of the right to run for office. **(see Exhibit A2, then A1, B1 then B2 -deliberate indifference, then see Exhibit A 3, A4-illustrates Reckless Disregard to 42 US 1983 right to run for office,). (See Former Selma Councilman Silva Affidavit points out history of training deficiency's on pt. 1,2,3,5,7,11,14,16,6, 3,19,20, , Exhibit J1 #3) (See exhibit J2 6,7,- establishing the City of Selma Personnel Policy as the City of Selma governing authority or "constitution" yet neglected following City of Selma Personnel Policy items Exhibit L1-2, 3.07,3.13, 3,09, 3.17, -L2- 12,06.11, 15.02, 15.03, 17.01- the city of**

Selma Governing body was aware yet acted contrary to policy law See Former Selma Councilman Jose Silva Affidavit pt. 1,2,3,5,6,7,11,14,16,6, 3,19,20,)

<http://www.statutes.legis.state.tx.us/?link=LG>

Argument and Authorities

- 6) **Logan v. City of Pullman**, No. CV-04-214-FVS, 2006 WL 120031, at **2-4 (E.D. Wash.-218 Jan. 13, 2006) (“To impose liability against the City by liability through omission, Plaintiffs must demonstrate the following:

A. City employee violated Plaintiffs' constitutional rights;

- 7) **Incident #1.** Plaintiff was denied a fair bid process because opening bids without the governing body violated TLGC 271 .026 denied Plaintiffs' constitutional right to a fair bidding process under FHA. (See **Former Councilman Silva Affidavit F1 #6,**)
- 8) **Incident #2.** Plaintiff was denied the constitutional right to run for Selma City council having submitted a valid write in ballot before the deadline per Texas Secretary of State law for Write-in Ballots Chapter 146.054.

B. the City has customs or policies that amount to deliberate indifference;

- 9) **Incident #1.** The Governing Body neglected duty to act on or investigate bid tampering according to TLGC 22.042 and TLGC 22.043, amounting to deliberate indifference. (See **Former Councilman Silva Affidavit F1 #6,**)

10) Incident #2. The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman James Parma) neglected duty to act on or investigate election code violations according Texas Election Code Title 9 Chapter 146, resulting in Plaintiff's deprivation of right to run for office amounting to a custom of deliberate indifference.

C. and these policies were the moving force behind the employee's violation of Plaintiffs' constitutional rights.

11) Incident #1. The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris) deviated from TLGC 22.042(a)(b)(c) causing the Plaintiff to be deprived of the right to a fair bid process per the FHA in December 22, 2014 **See Former Councilman Silva Affidavit F1 #6, Exhibit I violating TLGC 271.026, and (Exhibit L1, L2Personell policy 1,01 1.09,2:13,2.16).**

12) Incident #2. The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris) deviated from TLGC 22.042(a)(b)(c) pattern and practice of neglecting the duty to investigate and assure that the mother-in-law and son-in-law City of Selma election officials Johnny Casias and Rebecca Del Toro were following the election ballot laws per Secretary of State law 146.054 filing deadline violating of Plaintiffs' constitutional rights.

<http://www.statutes.legis.state.tx.us/?link=LG>

No Single incident of deliberate indifference or Gross Negligence

In City of Oklahoma City v. Tuttle, 471 U.S. 808, 813 (1985), the Court disapproved a jury instruction to the effect that "a single, unusually excessive use of force may ... warrant an inference that it was attributable to inadequate training or supervision amounting to '**deliberate indifference**' or '**gross negligence**' on the part of the officials in charge." The following are examples of deliberate indifference:

13) Incident #1. The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, City Attorney Marc Schnall) displayed gross negligence allowing Marc Schnall, Ken Roberts, and Larry Verner to pass and open the bids 18 days prior to the January 8, 2015, Council meeting, violating TLGC 271.026 and 252.049, amounting to deliberate indifference to the Texas Local Government Code.

14) Incident #2. Per Former Councilman Jose Silva who was present in the January 8, 2015, Regular council meeting in which Marc Schnall presented a spreadsheet instead of the original unopened bids per Former Councilman Affidavit. The act of opening bids without the governing body present illustrated '**gross negligence**' and **deliberate indifference** intentionally violating TLGC Sec. 271.026. OPENING OF BIDS 2) and TLGC 252.049. CONFIDENTIALITY OF INFORMATION IN BIDS OR PROPOSALS (a) (b) (**See Former Councilman affidavit F1 #5, #6, F2#11, F3 #19**) (**See Former Councilman Jose Silva Affidavit F1 #3-5, F2 # 19**)

15) **Incident #3.** The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, City Attorney Marc Schnall) accepted Jose Bustos bid (stamped December 22, 2014) three days after the bid deadline 5:00 p.m., December 19, 2014, amounting to gross negligence' and deliberate indifference to the posted bid deadline (**Exhibit N-1 public notice and bid rules / discriminatory bias in bid submission and bid processing rules**)

16) **Incident #4.** The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, City Attorney Marc Schnall) since January of 2015, has deliberately altered and illegally withheld the video of Jose Bustos and Johnny Casias (minute 4:34- 4:35 p.m.) in the Selma City Hall Lobby, displaying reckless indifference to TPIA 552.221 and depriving the Plaintiff the ability to prove his case to HUD and TWCCRD the US District Court Western District of Texas. (**See Former Councilman Jose Silva affidavit Exhibit F1 #6, F2 #12,**)

<http://www.statutes.legis.state.tx.us/?link=LG>

Justice O'Connor elaborated on how a plaintiff could show that a municipality was deliberately indifferent under **City of Canton**. First, where there is "a clear constitutional duty implicated in recurrent situations that a employee is certain to face, ... failure to inform city personnel of that duty will create an extremely high risk that constitutional violations will ensue." Id. at 396 (O'Connor, J., concurring in part and dissenting in part). ...

Clear constitutional duty is est. in TLGC 22.042

17) Incident #1 The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris) had a clear constitutional duty to respond to written complaints after being informed. Yet as the Chief Executives of the City of Selma, the Governing Body failed to exercise or neglected duty per TLGC 22.042 regarding notices of bid tampering sent to the Governing Body on December 23, 2014 (Exhibit H) and created extreme risk of violations under the Fair Housing Act laws.

18) Incident #2 The City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris) as the Chief Executives of the City had a clear constitutional duty to process the Plaintiff's valid write-in election application. The Governing Body not the employees neglected duties under TLGC 22.042 and created extreme risk depriving the Plaintiff of the constitutional right as a citizen of the United States to run for elected office under 42 U.S.C. 1983. **(See Former Selma Councilman Jose Silva Affidavit pt. 1,2,3,5,7,11,14,16,6, 3,19,20,)**

<http://www.statutes.legis.state.tx.us/?link=LG>

SUMMARY

In *Smith v. Wade*, 461 U.S. 30 (1983), the Supreme Court held in an action filed under 42 U.S.C. Section 1983 that punitive damages could be awarded upon a finding of reckless or callous disregard of or indifference to the plaintiff's rights.

In *Kolstad v. American Dental Ass'n*, 119 S.Ct. 2118 (1999), the Supreme Court held .. is not the "egregious" conduct of the defendant, but whether the defendant acted with knowledge that the action violated the law or with reckless indifference to the plaintiff's rights. This standard has been applied under the Fair Housing Act. *Badami v. Terry Flood*, 214 F.3d 994 (8th Cir. 2000).

19) Action filed under 42 U.S.C. Section 1983 that punitive damages could be awarded upon a finding of reckless or callous disregard of or indifference to the plaintiff's rights Above, Plaintiff Pro Se has cited several variations of how the City of Selma Governing Body (Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman James Parma) acted with knowledge that the action violated the law or with reckless indifference to the plaintiff's rights.

20) Pro Se Plaintiff urges the Court to consider the reckless indifference Pro Se Plaintiff Alton Crain has suffered caused by the deliberate indifference of Mayor Thomas Daly, Councilman Kevin Hadas, Councilman Harry Greene, Councilman Ken Harris, Councilman James Parma, Former City Administrator Kenneth Roberts and current Selma City Administrators Johnny Casias, (the Governing Body). The Plaintiff also ask the Court take into account Amendments to the Fair Housing Act the 1988 removed **the cap in private civil** suits which formerly existed for the awarding of punitive damages.

21) Pre-litigation, via Texas Public Information Act, the Pro Se Plaintiff Alton Crain requested Texas Municipal League insurance information (TML). The Texas Attorney General granted Pro Se Plaintiff the TML Liability Declaration of coverage for the City of Selma, Texas. Pro Se Plaintiff has based award requests on the documents previously submitted to the Court which the Attorney General authorized before any suit was filed. Plaintiff is entitled to the Texas Municipal League annual aggregate for 11 wrongful acts by the City of Selma Governing Body and staff. Per the Fair Housing Act amended in 1988, no cap exists. The request for the policy limit is reasonable because the defendants have violated numerous laws recklessly depriving the Pro Se Plaintiff of his rights. (See **Exhibit O- TML O&E** aggregate).

<http://www.statutes.legis.state.tx.us/?link=LG>

CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Pro Se Plaintiff Alton Crain requests the Court to do the following:

- a. Compel the Defendant to comply with prior TPIA requests and Subpoenas
- b. Render judgment that Defendants take nothing;
- c. Dismiss Defendants claims with prejudice;
- d. Assess costs against Defendants;
- e. Award Pro Se Plaintiff its reasonable fees; and,
- f. Award Plaintiff the TML Annual Aggregate Policy limit for 11 individual Wrongful Acts by the City of Selma Governing Body and staff.

Respectfully Submitted,

By: Alton W. Crain Jr
Pro Se Litigant

Alton Crain
8528 Alton Blvd
Selma Texas, 78154
210-667-8239

Signed AC

Date 3-20-17

This document was received 3/6/17 via P.O. mail box.

CERTIFICATE OF SERVICE

I, Alton Crain, Plaintiff pro se, do here by certify that on the 20 Day of March, 20 17, a true and correct copy of the foregoing pleading was forwarded to Charles Frigerio, the attorney for (Defendant) by (State the manner of delivery - eg. U.S. Mail; Hand Delivery, Certified Mail) at the following address: (give address of Attorney for the Defendant).

Charles Frigerio
111 Soledad Suite 840
San Antonio Tx 78205

Dated: 3-20-17

AL
Signature of Plaintiff

Exhibit A

4



Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SELMA, TEXAS ON THIS THE 9th DAY OF MARCH, 2017.



TOM DALY, MAYOR

ATTEST:

JOHNNY CASIAS, CITY SECRETARY

TO: Candidates

RE: Municipal General Election, May 6, 2017

FROM: Johnny Casias, City Secretary

SUBJECT: Election Information/Candidate Packet

The attached contains information and forms for the May 2017 General/Special Election in Selma.

1. One copy of Application for a place on the City of Selma General Election Ballot (Bilingual). The Code of Fair Campaign Practice form is included in this packet. This form must be filed with the City Secretary's office no later than 5:00 p.m. on Friday, February 17, 2017. Packets will be available Monday-Friday 8:00 a.m.-5:00 p.m. The first day for filing is January 18, 2017. Packets are available at this time.

NOTE: City Hall offices are closed Saturday and Sunday.

One copy of Application for Write-In Candidacy. This form must be filed with the City Secretary no later than midnight Sunday, February 21, 2017.

2. One copy of Appointment of Campaign Treasurer by a Candidate (Form CTAT) and Form ACTA with Instruction Guide. This form is to be filed in the City Secretary's office at the same time as the above application. These are new reporting forms, so please review the instructions carefully before filling out the form. Candidate Modified Reporting Declaration is to be filed if the candidate will not be expending more than or receiving more than \$500 for political purposes. If these limits are exceeded you will be required to file pre-election reports and, if necessary, a run-off report.
3. One copy of Candidate/Officeholder Campaign Finance Report/Instruction Guide. (COH) This is to be filed in the City Secretary's office on the dates specified on the form and on the enclosed calendar.
4. One copy of the Designation of Final Report Form COH-FR for your use later.
5. A copy of the Texas Ethics Commission Campaign Finance Guide For Candidates and Officeholders who file with Local Filing Authorities.
6. A calendar for Election May 06, 2017.

9375 Corporate Drive • Selma, Texas 78154 • (210) 651-6661 • Fax: (210) 651-9450

Original Election Packet

Deadline
Midnight
2/21/17

ordinance

ORDINANCE NO. 039217-01

@City Council meeting 3/9/17

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2017 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the General City Election was called for May 06, 2017 for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Section 146.054, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELMA:

Section 1. The following candidates, who are unopposed in the May 6, 2017 General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

City Council Place 4.....Kevin M. Hadis
City Council Place 5.....James T. Perna
City Council Place 6.....Kenneth W. Polasek

Section 2. The May 6, 2017 General City Election is cancelled, and the City Secretary is directed to cause a copy of this Ordinance to be posted on election day at each polling place that would have been used in the election.

Section 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraph, and sections of the Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid by the judgment of decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the City Council would have enacted them without the invalid portion.

ELECTION CODE

TITLE 9. CANDIDATES

CHAPTER 146. WRITE-IN CANDIDATE

SUBCHAPTER A. WRITE-INS GENERALLY

Sec. 146.054. FILING DEADLINE. (a) Except as provided by Subsection (b), a declaration of write-in candidacy must be filed not later than 5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed.

(b) For an election to be held on a uniform election date, the day of the filing deadline is the 74th day before election day.

(c) A write-in candidate may not withdraw from the election after the 71st day before election day.

<http://www.sos.texas.gov/elections/registra.htm#Filing>

2/26/17
is Deadline

Exhibit B

ISPS Tracking®

Still Have Questions?
Browse our FAQsGet Easy Tracking Updates
Sign up for My USPS

Tracking Number: 951080020917052000906

Delivered

On Time
Updated Delivery Day: Thursday February 23, 2017
Signed for By: K.P. SCHERTZ, TX 78154, 1:14 pm
② Met
Deadline of 2/23/17 which is 5 days after the 2/18/17

Product & Tracking Information

Product	Features	Proof of Delivery
First Mail	Signature Confirmation	Signature Required

Available Actions

February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154
February 23, 2017, 1:14 pm	Delivered First Class Reception	SCHERTZ, TX 78154

1 Selma received write-in ballot 2/23/17 3 days before deadline yet was rejected by Johnny Elias

② Met the midnight deadline

Track Another Package

Tracking (or receipt) number

Manage Multiple Packages

Enter a tracking number or receipt number to track multiple packages.

Mayor Tom Daily Mayor Pro Tem Harry Swann Councilman Steve Haden Councilman Ken Harris Councilman Jim Parks Councilman Dan Polasek

NOTICE OF MEETING
SELMA CITY COUNCIL
REGULAR MONTHLY MEETING
MARCH 9, 2017

The Selma City Council will convene in a City Council Meeting on Thursday, March 9, 2017 at 6:30 P.M. in the Selma City Hall, 9375 Corporate Drive, Selma, Texas 78154. The Order of Business will be:

Call to Order
Roll Call
Invocation and Pledge of Allegiance
Report by Mayor Daily on Items of Community Interest

Presentation of a Ten-Year Service Plaque to Police Sergeant Robert Wagner

Citizens to be Heard: This time is provided for citizens to address the Mayor and Council on issues and concerns. No action can or will be taken on any issue raised during this portion of the Meeting. Please limit your remarks to a period not to exceed three (3) minutes. All remarks shall be addressed to the Council as a body, and not to any individual councilmember. Any speaker making personal, impertinent, or slanderous remarks while addressing the Council may forfeit their time under Citizens to be Heard. We ask that you approach the microphone in front of the Council and state your name and address for the record.

1. Discussion/Possible Action on a presentation by Ms. Debbie Frasier with Armstrong Vaughn & Associates, Certified Public Accountants, on the Annual Financial Audit for the period ending October 31, 2016.
2. Discussion/Possible Action on the Minutes of the Selma Regular Monthly City Council Meeting of February 9, 2017.
3. Discussion/Possible Action on an amendment to Work Authorization SEL-037 with KSA Engineers, Inc. to include bidding and construction services for the Lookout Road Widening and Bridge Project.
4. Discussion/Possible Action on Ordinance Number 030917-01, an Ordinance declaring unopposed candidates in the May 6, 2017 General City Election, elected to office; cancelling the General Election; providing a severability clause; and providing an effective date.
5. Discussion/Possible Action on Ordinance Number 030917-02, an Ordinance amending Sections 82-684 and 82-687 in Division 3 of Article VI of Chapter 82 of the Code of Ordinances of the City of Selma, Texas, to clarify setback provisions in Section 82-684 as to double frontage lots and to establish revised provisions in Section 82-687 as to fences and shrubbery in residential zoning districts.
6. Discussion/Possible Action on Ordinance Number 030917-03, an Ordinance amending Chapter 58 of the Code of Ordinances of the City of Selma regarding City traffic laws, rules, and regulations by adding new Paragraph (c) to Section 58-141 of Division I of Article III of Chapter 58 in regard to time-limited parking areas.
7. Discussion/Possible Action on an updated City of Selma Personnel Policy Manual.

↑
Posted 3/6/17

ORDINANCE NO. 030917-0

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 6, 2017 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the General City Election was called for May 06, 2017 for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Section 2.053, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELMA:

Section 1. The following candidates, who are unopposed in the May 6, 2017 General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed;

City Council Place 4.....Kevin M. Hodas

City Council Place 5.....James T. Parma

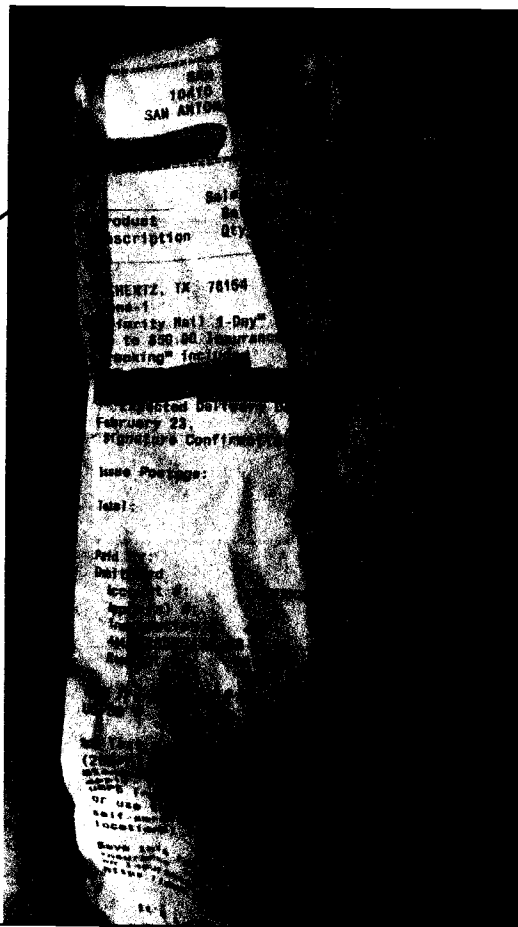
City Council Place 6.....Kenneth W. Polasek

Section 2. The May 6, 2017 General City Election is cancelled, and the City Secretary is directed to cause a copy of this Ordinance to be posted on election day at each polling place that would have been used in the election.

Section 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraph, and sections of the Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance is declared invalid by the judgment of decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the City Council would have enacted them without the invalid portion.

Exhibit C

2/21/17



2

Packet
mailed to
Johnny CasiasValid Write-IN
Ballot 2/21/17 w/in packet

3

AW2-11, R.11
Prescribed by Secretary of State
Sections 146.054, Texas Election Code; Section 11.006, Education Code
Section 49.101, Water Code
All information is required to be provided unless indicated as optional.

DECLARATION OF WRITE-IN CANDIDACY FOR City of Selma
(City, School, or Other Political Subdivision)

TO: Filing Officer

I declare that I am a write-in candidate for the office indicated below.

OFFICE SOUGHT: City of Selma Place 4 INDICATE FULL OR UNEXPIRED TERM

FULL NAME (First, Middle, Last) Alton Crain PRINT NAME AS YOU WANT IT TO APPEAR ON THE LIST OF DECLARED WRITE-IN CANDIDATES Alton Crain

PERMANENT RESIDENCE ADDRESS (Street address and apartment number. If none, describe location of residence. Do not include P.O. Box or Rural R.) 8528 Alton Blvd MAILING ADDRESS (If different from residence address)

CITY Selma STATE Tx ZIP 78154 CITY STATE ZIP

EMAIL ADDRESS (Optional) Teacher JSSD DATE OF BIRTH [REDACTED] COUNTY OF RESIDENCE Bexar

TELEPHONE NUMBER (Include area code) (Optional) Length of Continuous Residence as of Date Application Sworn

OFFICE: IN STATE 9 yrs IN COUNTY 9 yrs IN DISTRICT OR PRECINCT 9 yrs

HOME: IN STATE 9 yrs IN COUNTY 9 yrs IN DISTRICT OR PRECINCT 9 yrs

If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statement: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.

Before me, the undersigned authority, on this day personally appeared (name) Alton Crain who being by me here and now duly sworn, upon oath says: "I, (name) Alton Crain, of Bexar County, Texas, being a candidate for the office of City of Selma Place 4, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the Constitution and laws of this state. I have not been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by any official action. I have not been designated by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the notations law, Chapter 573, Government Code.

I further swear that the foregoing statements included in my application are in all things true and correct."

X AC 2/21/17
SIGNATURE OF CANDIDATE

Sworn to and subscribed before me at _____, this the _____ day of _____, 2017.

Signature of Officer administering oath: _____ Title of Officer administering oath: _____

TO BE COMPLETED BY FILING OFFICER:
(See Section 1.097)

Date Received: _____ Signature of Filing Officer: _____

Election Packet
campaign
tres pg 1 w/in packet

4

Texas Ethics Commission P.O. Box 12070 Austin, Texas 78711-2070 (512) 463-5800 (TDD 1-800-735-2889)

APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE FORM CTA PG 1

See CTA Instruction Guide for detailed instructions. 1 Total pages Rec'd: 2.

2 CANDIDATE NAME: FIRST Alton MI LAST Crain SUFFIX OFFICE USE ONLY: Date Received

3 CANDIDATE MAILING ADDRESS: ADDRESS / PO BOX: 8528 Alton Blvd Selma Tx 78154 CITY: Selma STATE: Tx ZIP CODE: 78154

4 CANDIDATE PHONE: AREA CODE: (210) PHONE NUMBER: [REDACTED] EXTENSION: Date Hand Delivered or Postmarked: _____ Date Processed: _____ Date Imaged: _____

5 OFFICE HELD (if any): n/a

6 OFFICE SOUGHT (if known): Place 4

7 CAMPAIGN TREASURER NAME: FIRST Alton MI MIDDLE NAME Crain LAST Crain SUFFIX

8 CAMPAIGN TREASURER STREET ADDRESS (residence or business): STREET ADDRESS (NO PO BOX PLEASE): 8528 Alton Blvd Selma TX CITY: Selma STATE: Tx ZIP CODE: 78154

9 CAMPAIGN TREASURER PHONE: AREA CODE: (210) PHONE NUMBER: 667 8229 EXTENSION:

10 CANDIDATE SIGNATURE: I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code. I am aware of my responsibility to file timely reports as required by title 15 of the Election Code. I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.

Signature of Candidate: AC Date Signed: 2-21-17

GO TO PAGE 2

www.ethics.state.tx.us Revised 07/14/2010

www.ethics.state.tx.us

Jind
 Councilman & Mayor
 Sent to all
 Bid Tampering
 Notice of

Thomas
Daily Notified of
Daily Bid Tampering

Attachment 18

Angley & Banick, Incorporated
 Engineers and Constructors of Low
 Cost Highway Systems
 145 East Highway Avenue, Suite 200
 Fort Mill, SC 29504
 (716) 235-6669
 Telex 253-7104
 (210) 745-6899

A Crain 2106678279

.....forwarded message.....

Exhibit F-1

General Affidavit

The within named person (Affiant) former Councilman Jose Silva, who is a resident of Bexar County, State of Texas, personally came and appeared before me, the undersigned Notary Public, and makes this his statement, testimony and general Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his knowledge:

As Former Councilman for the City of Selma Texas:

- 1) I am aware of that Selma's present Mayor Thomas Daly and former Mayor James Parma who is again serving on the Selma City Council violated Texas Local Government Code Section 22.077 REMOVAL OF MUNICIPAL OFFICERS and SELMA PERSONNEL POLICY, Sections 3.07, 3.09, & 3.17
- 2) I am aware that Mayor Thomas Daly failed to act on the notice of bid tampering by calling for a special meeting per Texas Local Government Code, Section 22.038, to discuss the issue prior to the Council's final decision on the property bidding.
- 3) I am aware that Mayor Thomas Daly failed to abide by Texas Local Government Code, Section 22.042 POWERS AND DUTIES OF MAYOR and Selma Personnel Policy Sections 3.07 & 3.09 that requires the Mayor to ensure that laws and ordinances of the municipality are properly carried out, that violations of law/duties be prosecuted and punished, and ensure that information to improve the governing of the municipality will be related to the governing body..
- 4) I am aware that Selma's Mayor Thomas Daly and Council members were presented with a written notices of bid tampering/rigging and written documents detailing resume fraud and the Mayor and Council failed to discuss and/or remedy the issues (per Texas Local Government Code Sections 22.043).
- 5) I am aware that Kenneth E. Roberts failed to perform duties as prescribed in Texas Local Government Code Section 22.073 (g) & (h) when he conveyed the bids to Attorney Marc Schnall without prior approval of the Mayor and City Council and the bids were opened without prior authorization of the Mayor and City Council.
- 6) I am aware that the City of Selma deprived taxpayers and citizens of the right to a fair legal process due to spoliation of evidence that resulted in obstruction of due civil process when trying to prove discrimination (per 42 U.S. Code 1983: Municipalities are also potentially liable for the deprivation of any rights, privileges, or immunities secured by the Constitution – constitutional torts:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

Exhibit F 2

- 7) I am aware that Mayor Thomas Daly and the Council violated Texas Local Government Code Section 202.008 by withholding and failing to deliver requested records and by destroying/preserving records.
- 8) I am aware that Alton Crain made several TPIA requests (one of which was requested during a monthly Council meeting) and the City Administrator and City Attorneys failed to deliver copies of phone records that were paid for by taxpayers for Kenneth E. Roberts, Johnny Casias, Mayor Thomas Daly, and Larry Verner. To date, Alton Crain (a Selma taxpayer) has not received phone records per TPIA requests that were directed to Selma City staff as early as 1/16/15.
- 9) I am aware that Selma Staff had a duty to act in good faith and investigate the notice of bid tampering yet neglected to do so. Kenneth E. Roberts further misled Council by intentionally, secretly passing the bids without the authority of the City Council and failure to act on numerous notifications to city staff and council. or base on notices disqualifies council from all forms of immunity qualified and executive immunity.
- 10) I am aware that the decision to sell the property was not a proprietary duty. It was a ministerial decision made by the Selma City Council. The Council is liable for their individual decisions according to Local Government Code. The Council did seek counsel from the City Attorney, but the Staff mislead and withheld information from the City Attorneys. According to the undersigned (Councilman Jose Silva) who witnessed all claims, violations which disqualified all the Council members from all forms of immunity, the Council members did not see the bids according to Councilman Jose Silva.
- 11) I am a witness to violations of policy specifically breach of contract duty, (unauthorized passing of bids without authority of council) a breach of duty with intent to conceal.
- 12) I am aware that emails indicated that a surveillance video existed, yet no Council members besides myself asked to resolve the issues with the bid process.
- 13) I am aware that Mayor Pro Tem Kevin Hadas probed Alton Crain (via phone conversation, around 12/22/14) as to how I planned to vote on the notice of bid tampering.
- 14) I am aware that Mayor Thomas Daly visited Alton Crain at his home to discuss Assistant City Administrators interaction with Jose Bustos on the closing day of the bidding that were recorded on the city's video surveillance system, but the surveillance video was found later on to be compromised.
- 15) I am also aware and made Mayor Thomas Daly and Council members aware of Kenneth E. Roberts' misrepresentations on his employment resume that violated Selma Employee policy, which resulted in Selma staff labeling me, a key witness, as a "disgruntled resident" and negatively influenced the outcome of the HUD investigation. Consequently the defaming comments have been followed by accusations of theft among Selma residents.
- 16) I am aware that Selma staff neglected their duty of employment by not vetting Kenneth E. Roberts' credentials as submitted on his resume and Selma staff failed their duty to act in good faith and investigate "notice of Bid Tampering in December of 2014.
- 17) I am aware that the undersigned was advised by Kenneth E. Roberts against speaking with Alton Crain at any point during the HUD investigation.

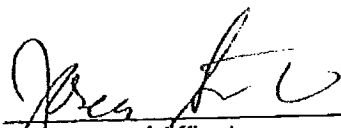
Attachment
p

Exhibit F3

18) I am aware that Kenneth E. Roberts, in an email, told Alton Crain to use BCAD values as a base value, adding 3-10 percent above the BCAD value for a final bid value, while the City of Selma hired an outside appraiser to adjust the appraisals after an issue arose with the bid process.

19) I am aware that the council may not authorize any person, committee, board, or commission to make policy decisions on behalf of the Council. Therefore, the City Council did not authorize Attorney Marc Schnall to receive all bid proposals on 12/22/14 at 4:49p.m. or to open the original bids.

20) I am aware during my term 2013-15 as a Former City Council member that Mayor Thomas Daly, City Council Swinney, Harris, Greene, Hadas, and Selma City administrator Ken Roberts have openly rejected implementation of home rule or city charter. In Forwood v. City of Taylor or the Home rule doctrine. The City of Selma has over 9000 residents. Yet while over the population of 5000 have chosen to continue to operate under General rule or THE TEXAS CONSTITUTION ARTICLE 11. MUNICIPAL CORPORATIONS Sec. 4. for CITIES AND TOWNS WITH POPULATION OF 5,000 OR LESS; CHARTERED BY GENERAL LAW; This decision binds the City of Selma to operate according to the Selma employee Personnel policy approved by the City Council under federal directive (EEOC) to updated, implemented, and accepted during my City council term.

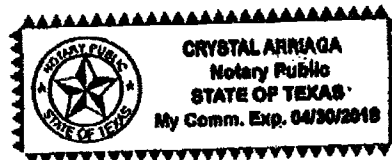


Signature of Affiant
State of Texas
County of Bexar

Dated this 6th day of July 2016

Subscribed and sworn to, or affirmed, before me on this 6th day of July 2016

by 
Signature of Notary Public



My Commission Expires: 4/30/2018

Attachment
P



AWC C

to Johnny, mayor, City, jparma,

Hide details

2017
Neglected to investigate
Exhibit G
Notice of Valid Write-in
ballot sent to governing body days before the vote to cancel the election as unopposed

From: AwC C craina2014@gmail.com

To: Johnny Casias jcasias@ci.selma.tx.us
mayor@ci.selma.tx.us
City Councilman Kevin Hadas khadas@ci.selma.tx.us
jparma@ci.selma.tx.us
Councilman Ken Harris kharris@ci.selma.tx.us
City Council Greene hgreene@ci.selma.tx.us

Date: Mar 6, 2017, 12:27 PM

View security details

Reciept

On Time
Updated Delivery Day: Thursday, February 23, 2017
Signed for By: KP // SCHERTZ TX 78154 // 1:14 pm

Product & Tracking Information

Postal Product
Priority Mail

Features
Signature Confirmation

Up to \$50 insurance included
Restrictions Apply

Available Actions

Proof of Delivery

Text Updates

February 23, 2017, 1:14 pm

Delivered, Front
Desk/Reception

SCHERTZ, TX 78154

2014 No letter to the
 Council
 X to Governing Body
 body 1/1/14
 body

From: "AwC C" <craina2014@gmail.com>
 Date: Dec 23, 2014 1:26 PM
 Subject: Re: Fwd: RE: Parcel 5 Bidding Concerns
 To: <mayor@ci.selma.tx.us>
 Cc:

Correction "Becomes" necessary

On Dec 23, 2014 1:13 PM, "AwC C"
 <craina2014@gmail.com> wrote:

Mayor Daly Per Mr. Roberts suggestion, I am reaching out to you regarding this matter. If filing a complaint because necessary after having a detailed discussion with you regarding what prompted this email chain, I would be willing to share personally with supporting data at your earliest convenience....

A Crain 2106678239

Exhibit H

From: "AwC C" <craina2014@gmail.com>
 Date: Dec 23, 2014 7:24 PM
 Subject: Notice of Bidding Tampering 12/19/14
 To: "City Councilman Swinney"
 <swinneygp@msn.com>, "Mr Silva SPE"
 <jasilx5@aol.com>, "City Council Greene"
 <hgreene@ci.selma.tx.us>, "City Councilman Kevin Hadas"
 <khadas@ci.selma.tx.us>, "Councilman Ken Harris"
 <kharris@ci.selma.tx.us>
 Cc:

✓ Governing Body
 who refused duty
 under TLGC 22.04322.042

Mayor & Council Members, my name is Alton Crain, an 8yr SPE resident and Jisd teacher on Alton blvd. In an effort to be transparent and informative, I have included you all in this email detailing a disturbing bidding experience. After 7 yrs of waiting to bid on property next to my home, my desire is to expose the appearance of bias or misconduct.

If you have any questions or concerns please feel free to respond. Thank you for the opportunity to speak to my council about issues taxpaying Selma residents experience.

In closing, start at the bottom email. Please excuse the errors because I'm still learning how to use this smart phone that seems the want to speak for me.

Alton on Alton Blvd

Exhibit I

Fraud

Roberts Casias Verner Schnall Collusion

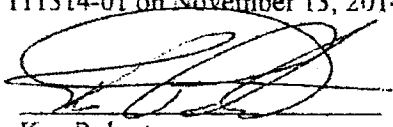
Bid opened 18 days before official meeting

RECEIPT

(Verner)

On December 22, 2014, the City Engineer of the City of Selma, Texas delivered to the office of Marc J. Schnall, City Attorney, the originals of the unopened sealed bid envelopes that the City of Selma received in response to the offer to sell excess City property authorized by the City Council by adoption of Resolution 111314-01 on November 13, 2014.

On the date shown below, I, Ken Roberts, City Administrator of the City of Selma, Texas, acknowledge receipt from Marc J. Schnall, City Attorney, of the opened bid envelopes and bids that the City of Selma received in response to the offer to sell excess City property authorized by the City Council by adoption of Resolution 111314-01 on November 13, 2014.


 Ken Roberts

Dated: January 8, 2015

1) Violation of
 Selma Personnel Policy
 Chain of Command 2.13.2.16
 Employee Policy 1.01, 1.09
 Personnel Policies
 17.01

2) Violation of
 Tx local Govt Code
 Sec 271.026(A)

"bids may be opened only by the governing body...
 at a public meeting"

Sec 263.007 c(1)(2)
 Ex: parcel #9

- 1) appraised fair market value before selling
- 2) determine min. bid amount base on the appraisal

252.049 (6b)
 Breach of Confidentiality

L:\B\J\111314-01\111314-01.docx

51

General Affidavit

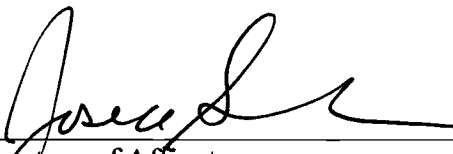
The within named (affiant), former City of Selma Councilman Jose Silva 2013-2015, a resident of Bexar County, Texas, personally came and appeared before me, the undersigned Notary Public, and makes this his statement, testimony and general Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his knowledge:

As Former Councilman for the City of Selma Texas:


- 1) As a Former City Councilman, I sought but was not given necessary training by the City of Selma to make legally appropriate decisions per U.S. 42 1983 Federal Laws regarding the Fair Housing Act, Texas Local Government Code, Texas Open Meetings Act, Voting Rights Act, Bidding Procedure, Bid Processing, Bid evaluation, Texas Election Code, Texas Ethics.
- 2) As a Former Selma City Councilman I was reprimanded and scolded by Mayor Tom Daly, and City Administrator Ken Roberts for seeking legal clarification and education from the Texas Municipal League (TML) to assure compliance to Federal, State, and Local laws practiced in the City of Selma which operates without a City Charter under Type A local government.
- 3) As a witness and Former City of Selma Councilman, I am aware that the City of Selma, Mayor Thomas Daly, City Councilman Ken Harris, City Councilman Harry Greene, City Councilman Kevin Hadas, City Councilman Phillip Swinney, Former City Administrator Ken Roberts, City Administrator Johnny Casias, Former Mayor and current Councilman James Parma, City Engineer Larry Verner, City Technologist Robert Klaener, City Attorney Marc Schnall were aware of policy violations 2003-2015 yet neglected duties under Texas Local Government Code 22.043 Remonstrance's-Complaint and 22.042 Powers and Duties of Mayor and Council, Selma City Employee Manual.
- 4) I am a witness to the customary practice of deviating from Texas Local Government Code, Fair Housing Act, and Ethics codes from years 2013-2015.
- 5) The governing body (Mayor and Council) liable for constitutional policies, were made aware that Ken Roberts misrepresented his credentials to gain employment 2003 and neglected compliance with State law and Selma official municipal policy (i.e., City of Selma Personnel Policy and Handbook) resulting after several constitutional torts from 2003-2015.

52

- 6) As there is not a Selma City Charter and Selma acting as Type A government, established its own governing law through the Mayor and City Council (the governing body) therefore the City of Selma Personnel Policy Manual is the acting law. I am aware that certain policies were not adhered to.
- 7) As a former Councilman I was slandered and threatened by governing body members and Selma city staff for speaking out against policy violations under TLGC 22.042, TOMA-Special City council meetings, and other unconstitutional policy and practices normalized during Ken Roberts' tenure 2013-2015.
- 8) No Selma City Charter has been enacted by the Selma Mayor and City Council to ensure constitutional policy process.


Dated this 17 day of March 2017
Signature of Affiant
State of Texas
County of Bexar

Subscribed and sworn to, or affirmed before me on this 17 day of March 2017

By 
Signature of Notary Public

My Commission Expires: 2/11/2020

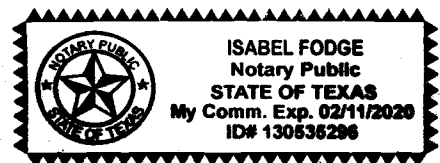


Exhibit K

12/08/2007 14:00 21.0001.2009 PAGE 03/36

①

May 21, 2003
The Honorable Sam Frazee
Mayor of Dallas
9070 Corporate Drive
Dallas, TX 75244

Mayor Frazee,

First and foremost, thank you for your consideration in offering the opportunity to serve as your City Administrator. In keeping with my commitment of full disclosure and as a public official, I am writing you to let you know that I have never been hired by anyone, I offer the following history:

Background: In 1994, a subordinate employee filed a private investigation to investigate my past. My actions in this case that I had taken my own moral code, as a USMC director, led me to resign from the city.

1. In December 1994, The Commissioner of the City of Dallas presented me with an offer to resign from the city. I accepted the offer and resigned from the city.

2. I was placed in administrative leave with full pay and benefits until the offer was made. I was placed in administrative leave until the offer was made.

3. The offer was made to me in the early 1990's. I had been an employee of the city for many years. I had been an employee of the city for many years.

4. As part of the investigation, I was asked to provide a statement. I provided a statement.

5. The Department of Defense asked that my record be reviewed. I reviewed my record.

6. In December of 1995, I resigned from DOD. I resigned from DOD.

7. I was placed in a leave status until I was able to return to work. I was placed in a leave status.

8. I will keep my Federal Retirement in suspension until 2007. I will keep my Federal Retirement in suspension until 2007.

9. As part of the investigation, I was asked to provide a statement. I provided a statement.

10. I have a full retirement agreement with the city. I have a full retirement agreement with the city.

Conclusion: I am not a public official. I am not a public official. I am not a public official.

Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

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Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

Every day, I am a public official. Every day, I am a public official. Every day, I am a public official.

Attachment 17

②

TCMA Member Directory Profile



Welcome to the Dallas, the official Web site of the Texas Legislative Council. This site is designed to provide TML members with another option to keep informed on legislative issues and activities. We have created the Texas Legislative Council Web site.

Back to Search Results
New Search

Name: Kenneth E. Roberts
Email: kroberts@dal.leg.state.tx.us
TCMA Full

Region 8
(210) 691-7204
(210) 691-6400
City Manager

Salina
9070 Corporate Dr
Salina, TX 75154-2200
09/14/1967

Spouse:
Date of Birth:
Education:

Degree: BA
CPM
Graduation Date: 1978
2000

Employer:
City Manager for Salina in TX
City Administrator for La Grange in TX

Professional History:
Dates: 00/00/2003 to 11/01/2000 to 00/00/2003 to 00/01/1990 to 11/01/2000 to 00/01/1997 to 00/01/1990 to

Professional:
Certification:
Professional:
Organizations:

NA
NA

http://www.tlcmembers.com/TCMA_Member_Profile.cfm?ID=16408

Attachment 17

Attachment 17

Exhibit L-1

each. The job description sets forth the minimum acceptable qualifications required to fill the position. The City Administrator may establish and periodically review an official job (class) description for positions in the City.

3.06 AGE REQUIREMENTS

Employees seventeen (17) years of age are subject to Department of Labor Orders when working in any occupations in which the Secretary of Labor shall find and by order declare to be particularly hazardous or detrimental to their health. It is the policy of the City of Selma that no one under the age of seventeen (17) shall be hired for any position. Other age limitations will be applied only as required by specific state or federal law applicable to the City.

3.07 APPLICATION FOR EMPLOYMENT

All applicants desiring employment with the City must submit an application on the City's official application form and other pertinent information regarding training and experience. Before submitting the application, the applicant must certify by his or her signature that he/she has not purposely withheld any information that might adversely affect his/her chances for hiring and attest to the fact that the answers given are true and correct to the best of his/her knowledge and ability. Any misrepresentation, falsification or material omission in any of this information may result in the exclusion of the individual from further consideration or, if the person has been hired, immediate termination of employment.

The application should be completed by the applicant before an interview is conducted but no later than before an offer of employment is extended. The City relies upon the accuracy of information contained in the employment application as well as the accuracy of other data provided by the applicant throughout the hiring process.

The candidate has the option to complete or decline to complete this form. It is used for applicant tracking purposes only and is neither maintained with the applicant file nor considered as part of the hiring decision.

The City will make appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to employment. In the case of applicants for positions, which require driving a vehicle, the City will check the prospective employee's driving record prior to offering the applicant employment.

All applications and resumes received for the job opening will be forwarded to the Department Head, and/or the Director of Human Resources. Upon receipt, each application and resume will be marked with the date it was received. Once the position is filled, all applications and/or resumes in conjunction with the position opening will be forwarded to the Human Resources Department for State mandated retention.

3.08 SELECTION

Except for appointments reserved to the City Council by statute, the City Administrator has exclusive authority to select and employ all City employees. The City Administrator

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In addition, prospective new employees for active police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the City Administrator and the Director of Human Resources have access to employee medical records.

3.13 REFERENCE AND BACKGROUND CHECKS

To ensure that individuals who are employed by the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references and backgrounds of all prospective employees.

Where applicable, Human Resources also checks transcripts to verify educational credentials. References for internal candidates will be coordinated through Human Resources.

The City of Selma Police Departments conducts background checks on all prospective employees, including full-time, part-time, temporary, and seasonal employees. All job applicants must sign a release form permitting the background check. The release form is attached to the job application. All releases and background check information will be maintained in the Human Resources office.

3.14 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

3.15 DRIVING RECORD

Every City employee who is required to drive a vehicle or operate a piece of equipment, which requires a valid driver's license, must maintain a safe driving record. For this reason, when an offer of employment is made to a prospective employee, the prospective employee must submit a certified copy of his/her driving record. If an offer of employment is made, the employment will be contingent on what is shown on the driving record. The Director of Human Resources conducts driving records checks with the Department of Public Safety.

3.16 DURATION OF EMPLOYMENT

All employees of the City are hired for an indefinite period of time and, regardless of the stated frequency of their wages or salaries (e.g., per month, per year, etc.), may be terminated by the City at any time, with or without cause or notice; just as all employees

may authorize Department Heads to appoint and remove employees within their departments, subject to approval by the City Administrator and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the City Administrator or any of his or her subordinates is authorized to appoint. However, the council or its members may express freely to the City Administrator their views and opinions on such matters.

Vacancies on the City staff are filled by promotion, by transfer, or by initial appointment, on the basis of merit as demonstrated by job-related test performance, education, experience, and personal interview. Selections are made by the City Administrator or a Department Head or supervisor authorized by the City Administrator to make the selection.

3.09 INTERVIEWING

The Department Head will select applicants to interview from those who have passed the preliminary screening tests and/or job applications. Job-related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified. The Department Head shall reiterate that when the employee completed the City Employment Application and signed, he/she gave the City written permission to examine his/her references, record of employment, education record, background checks, driving record, and any other information that was provided on the application. In addition the disclosure also released the City, his/her former employers and all other persons, corporations, partnerships and associations from any and all claims, demands or liabilities arising out of or in any way related to such examination or revelation.

3.10 NEPOTISM

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

No person may be hired who is related within the second degree by affinity (marriage) or within the second degree by consanguinity (blood) to any elected officer of the City Council, Mayor, or the City Administrator. A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee has been continuously employed by the City for a period of:

1. At least thirty (30) days if the officer or member is appointed;
2. At least six (6) months if the officer or member is elected at a general election other than the general election for state and county offices; or
3. One (1) year if the related City officer is elected at the general election for state and county offices.

"In addition, no personnel action (e.g. hiring, demotion, promotion, transfer) will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the second degree of consanguinity to the supervisory employee. The degrees of relationship are defined below. Spouses of relatives within the first or second degree of affinity (e.g., son-in-law, mother-in-law, brother-in-law) are also included in this prohibition."

Casis was promoted to be BOSS of him mom recently 2015

are free to leave employment with the City at will. No promises to the contrary will be binding on the City unless clearly set forth in a written agreement signed by the City Administrator and approved by the City Council.

3.17 DISQUALIFICATION

An applicant is disqualified from employment by the City if he or she:

- Does not meet the minimum qualifications for performance of the duties of the position involved;
- Knowingly has made a false statement or material omission on the application form or during the pre-employment interview process;
- Has committed fraud during the selection process;
- Is not legally permitted to hold the position;
- Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
- Is not able to perform the essential functions of the position, with or without reasonable accommodation;
- Has failed to submit the application to the designated place or within the prescribed time limit; or
- Has failed to produce within three days of employment original legal document(s) that establish identity and employment eligibility.

3.18 PLACEMENT

3.18.01 Job Offers. After a job applicant is approved by the City of Selma, the Department Head or Director of Human Resources shall notify the successful job applicant of their conditional offer of employment.

3.18.02 Job Rejection Letters. Within ten (10) working days after the job offer has been accepted, non-selected job applicants who were interviewed may be notified. The Department Head or Director of Human Resources may send a Job Rejection Letter to each job applicant who was not selected for a job opening.

3.18.03 Medical and Psychological Examinations. Once a conditional offer of employment has been made to a candidate, the Director of Human Resources will arrange a pre-employment examination which will include drug testing, a psychological evaluation (when necessary) and a physical examination to determine if the candidate can perform the essential job related requirements as listed on the job description. The City of Selma will determine the health professional to provide these services.

Exhibit L2

12.06.05 Physician Restrictions. If the employee's physician restricts an employee from taking part or performing certain physical activities outside the workplace, the employee shall abide by these restrictions. Violating the physical restrictions placed upon the employee by their physician shall be grounds for the termination of benefits under this program and the termination of employment.

12.06.06 City Issued Property. Depending upon the regular position held by the employee participating in the Return to Work Program, certain property issued to and/or authority bestowed upon the employee may be temporarily suspended (i.e. Police Officer may be no longer authorized to carry a weapon or make an arrest. Firefighter may not be authorized to respond to an emergency call, etc.).

12.06.07 Abuse of Program. If the City Administrator or designee determines any employee is abusing the Return to Work Program, it may result in disciplinary action, up to and including immediate termination.

12.06.08 Outside Work. Any employee on Limited Duty is not eligible to work for any other employer while participating in this Program. If the City Administrator or designee determines any employee is working for any other employer while participating in this Program, it may result in disciplinary action, including immediate termination.

12.06.09 Limited Duty Time Sheets. If Limited Duty is available in the Department the employee is regularly assigned, the employee shall account for their time as though the employee were on regular duty.

If Limited Duty is in a department other than the Department the employee is regularly assigned, the employee shall account for their time as though the employee were on regular duty, but the time record shall be approved by the Department Head for the department where the employee is temporarily assigned.

12.06.10 Medical Support. If it becomes questionable as to the eligibility to participate, or the eligibility for continued participation in the Return to Work Program, the information leading a Department Head to believe the employee's eligibility is in question shall be provided to the City Administrator or designee. The City Administrator or designee, in his/her discretion, may require the employee to undergo an independent medical examination to evaluate the employee's medical condition and report back to the City Administrator or designee.

Any participant, before eligible to return to their regularly assigned position, must present a release signed by a physician authorizing the employee's return to the employee's regularly assigned duties.

12.06.11 Legal Compliance. Any state or federal law, if found in conflict with this policy, shall supersede this policy to the limited extent of the provision(s) affected. The remaining policy provisions shall remain in full effect and shall be construed together to carry out the intent of the policy.

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Termination will be reserved for serious violations or for failure to correct previously documented behavioral/rule violations. Once terminated, the employee will not be allowed to serve the City of Selma in any capacity.

15.02 GROUNDS FOR DISCIPLINE OR TERMINATION

An employee may be subject to discipline, including but not limited to, termination for any of the following actions: (this list, however, is not exhaustive and the City retains the right to consider the appropriateness of termination on a case-by-case basis).

- Incompetence or inefficiency.
- Conduct unbecoming of a City employee.
- Violation of any policy or rule established by this manual.
- Insubordination or violation of any lawful order or policy.
- Misrepresentation of facts concerning all facets of employment to include: misleading or bad faith claims against another employee and appointments.
- Acceptance of a bribe.
- Felony conviction.
- Negligent or willful damage, waste or destruction of City property.
- Unlawful political activity.
- Using an extension of the credit of the City for any purchase of goods, services or equipment (unauthorized purchases).
- Use of alcohol or illegal drugs while on duty.
- Absence without leave or abuse of leave.
- Tardiness.
- Unauthorized disclosure of information not for public release.
- Release of confidential information without authorization.
- Cloaking in for another employee or permitting or arranging for another employee to record a time card.
- Improperly downloading files that may contaminate City information systems and/or databases.
- Accessing objectionable or improper material.
- Being untruthful to extent character, integrity or judgment cannot be relied upon.

15.03 GROUNDS FOR IMMEDIATE TERMINATION

Some actions may be grounds for immediate termination without progressive actions taking place. These actions include but are not limited to:

- Theft of City or employee property.
- Willful destruction of public or private property while on duty.
- The illegal use, sale or possession of a controlled substance while on duty or use of such controlled substance off the job which effects job performance or safety.
- Reporting to work under the influence of a controlled substance.
- Reporting to work under the influence of alcohol or possession of alcohol on the job.
- Fighting or horseplay on the job.

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17.00 PERSONNEL POLICIES

17.01 POLICY

The City Administrator and City Attorney may conduct a review of the policies and submit any necessary or recommended changes to the City Council for approval. Any changes, modifications or amendments to these policies must be adopted by the City Council of the City of Selma at any regular or special meeting of the Council. No changes or amendments shall become a part of these rules unless approved by the City Council.

Employees of the City are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed to ensure the understanding of the policies.

Department Heads and employees will be notified of any changes to the personnel policy as soon as practicable, after any changes are made and approved by City Council.

17.02 PERSONNEL RECORDS

The City Administrator or designee shall be responsible for the proper maintenance and security of all personnel files. Personnel records, except medical records, are maintained in a secure central location by the Director of Human Resources. Medical records are kept in a separate confidential file maintained by the Director of Human Resources.

Personnel records will be released only to Department Heads with the Director of Human Resources maintaining a log of all personnel files released. The respective employee, Department Head or proper designee may request, upon approval, to view the employee's file, but it must remain with the City Administrator or within the Human Resources department. The employee's personnel file will not contain any medical records, drug/alcohol tests or any I-9 forms.

Employees may sign a release of information form that would authorize information in their personnel file to be released to requestors. Any information regarding drug/alcohol test results or information herein shall only be kept between the testing facility, City Administrator, Director of Human Resources and the proper Department Head.

No information will be removed or added to any personnel file without the specific approval of the City Administrator or Director of Human Resources.

17.03 DISCLOSURE

Some information in an employee's personnel file is public information and must be disclosed upon request. Specific items are exempted from disclosure by law. No information from any record placed in an employee's file will be communicated to any

** Neglected to get permission to change Roberts job description and illegally pass bids to Larry Verner who was not authorized to pass or pass bids to anyone including Marie Schnell w/out an official meeting 12/22/14. Pattern Practice of illegal deviation from policy*

Exhibit M



AwC C <craina2014@gmail.com>

Declaration of Write-In Candidacy

AwC C <craina2014@gmail.com>

Wed, Feb 22, 2017 at 6:25 PM

To: Johnny Casias <jcasias@ci.selma.tx.us>, mayor@ci.selma.tx.us

It appears that you have not recieved the certified letter and necessary documents. I would direct your attention to the attachments. Notice the time stamp is before 12 midnight 2 21 17, consist with the rules.

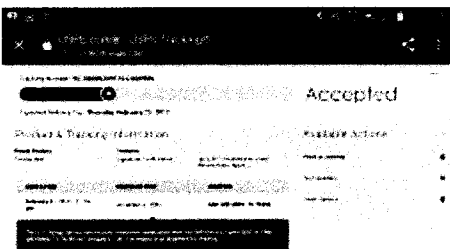
What was troubling is the fact that your actions were not consistent with your statements in the election packet. The fact that you neglected the duty to receive the packet according to the rules set fourth concerns me.

We will revisit the inconsistencies in the near future. I will be in contact with you soon. Thank you. ... Alton on Alton
[Quoted text hidden]

2 attachments



20170222_181255-1.jpg
1113K



Screenshot_2017-02-22-18-06-32.png
226K

16 days
advance notice
of a complaint regarding
voting rights & the
Governing by Chief Exec.
neglected the duty
under TLGC 22.042
The Same issue was
present Dec 23 2014
w/ the "Notice of bid
tampering" - FHA
violations
See Exhibit (H)

Exhibit 1

Henry Media Services | San Antonio Express-News
mySA.com | ExpressNews.com | Connection
The San Antonio Light | EN Community & Military Newspapers

**SAN ANTONIO EXPRESS NEWS
AFFIDAVIT OF PUBLICATION**

**STATE OF TEXAS:
COUNTY OF BEXAR**

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynette Nelson, who after being duly sworn, says that she is the BOOKKEEPER of THE HEARST CORPORATION (SAN ANTONIO EXPRESS NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

Customer ID: 715113
Customer Name: City of Selma
Order ID: 2849746

Publication
NE Herald
26 NOV 14

Pub Date
19 NOV 14
26 NOV 14

Lynette Nelson
Lynette Nelson
Bookkeeper

Sworn and subscribed to before me, this 26 day of Nov A.D. 2014

Notary public in and for the State of Texas

Maria D. Ocasio



*Received at 5pm
11/19/14*



[Redacted text block]

Attachment 10

FOR PARCEL #5

LOTS 17, 8, 18 REMAINDER

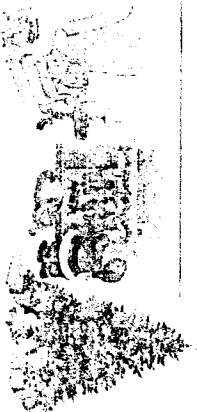
BLK 11

ACACIA BLVD.

SILVER HILL STATES

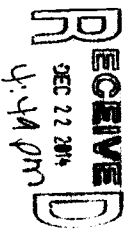
SUBDIVISION

JOSE A. BUSTOS
(210) 772-2789



JOSE A. BUSTOS
14303 PURPLE HILL RD
SPRINT AUSTIN TX 78233

"FOR PARCEL #5"



City of Selma, Texas

Attachment 9

winning bidder
bid accepted
3 day after bid
closing = unfair
processing bias
as dead for plaintiff
was 12/19/14 by 5pm
according to pg #1

Entity Name : SCARLE
 Entity ID : 8523
 Contract Type / ID : LTRB

17 10-01-15 to 10-01-16

Exhibit O

Bad Faith

LIABILITY DECLARATIONS OF COVERAGE

CV-7 request w/in Policy limits

GENERAL LIABILITY

Limits of Liability	: \$ 5,000,000	Each Occurrence
Sudden Events Involving Pollution	: \$ 2,000,000	Each Occurrence
	: \$ 10,000,000	Annual Aggregate
Deductible	: \$ 10,000	Each Occurrence
Annual Contribution	: \$ 4,065	Effective : 10-01-15
Billable Contribution	: \$ 4,065	Anniversary: 10-01-16

LAW ENFORCEMENT LIABILITY

Limits of Liability	: \$ 5,000,000	Each Occurrence
	: \$ 10,000,000	Annual Aggregate
Deductible	: \$ 10,000	Each Occurrence
Annual Contribution	: \$ 14,152	Effective : 10-01-15
Billable Contribution	: \$ 14,152	Anniversary: 10-01-16

NON-PROFESSIONAL LIABILITY

	: \$ 5,000,000	Each Wrongful Act
	: \$ 10,000,000	Annual Aggregate
Deductible	: \$ 10,000	Deductible Each Wrongful Act
Annual Contribution	: \$ 9,219	Effective : 10-01-15
Billable Contribution	: \$ 9,219	Anniversary: 10-01-16

OTHER CONTRIBUTION

Other Billable Contribution	: \$ 27,436	Contract Effective : 10-01-15
		Contract Anniversary: 10-01-16

Contributions are continuous until cancelled. Contributions are subject to adjustment each year on the anniversary date based on updated exposure information and changes in rates.

